



BJA Bureau of Justice Assistance Fact Sheet

Richard R. Nedelkoff, Director

Public Safety Officers' Benefits Program: Response to the September 11, 2001 Terrorist Attacks

Program Benefits

The Public Safety Officers' Benefits (PSOB) Program provides a one-time financial benefit to the eligible survivors of public safety officers whose deaths are the direct and proximate result of a traumatic injury sustained in the line of duty. Since October 15, 1988, the benefit has been adjusted each year on October 1 to reflect the percentage of change in the Consumer Price Index. The fiscal year 2001 benefit is \$151,635.

The PSOB Program provides the same benefit to public safety officers who have been permanently and totally disabled by a catastrophic personal injury sustained in the line of duty if that injury permanently prevents the officer from performing *any* gainful work. Medical retirement, workman's compensation, or social security benefits for a line of duty disability do not, in and of themselves, establish eligibility for PSOB Program benefits.

Public Safety Officers Eligible for PSOB Program Benefits

Under the PSOB Program, a *public safety officer* is a person serving a *public agency* in an official capacity, with or without compensation, as a law enforcement officer, firefighter, or member of a public rescue squad or ambulance crew. *Law enforcement officers* include, but are not limited to, police, corrections, probation, parole, and judicial officers. *Volunteer firefighters* and *members of volunteer rescue squads and ambulance crews* are covered under the program if they are officially recognized or designated members of legally

organized volunteer fire departments, rescue squads, or ambulance crews.

In October 2000, Public Law 106-390 (Sec. 305) designated Federal Emergency Management Agency (FEMA) employees as public safety officers under the PSOB Act if they are performing official, hazardous duties related to a declared major disaster or emergency. Under the same circumstances, state, local, and tribal emergency management or civil defense agency employees working in cooperation with FEMA are considered public safety officers under the PSOB Act.

Survivors Eligible for Program Death Benefits

Once the Bureau of Justice Assistance (BJA) approves a claim for death benefits, the benefit will be paid to eligible survivors in a lump sum, as follows:

- ❑ *If there are no surviving children of the deceased officer, to the surviving spouse.*
- ❑ *If there is a surviving child or children and a surviving spouse, one-half to the child or to the children in equal shares and one-half to the surviving spouse.*
- ❑ *If there is no surviving spouse, to the child or in equal shares to the children.*
- ❑ *If none of the above apply, to the parent or in equal shares to the parents.*

Under the PSOB Act, *child* is defined as any natural child who was born before or after the death of the public safety officer, or who is an adopted child or

stepchild of the deceased public safety officer. At the time of death, the child must be 18 years of age or younger; or 19 through 22 years of age and pursuing a full-time course of study or training, if the child has not already completed 4 years of education beyond high school; or 19 years or older and incapable of self-support due to a physical or mental disability.

Attachment and Tax Exemption

PSOB death and disability benefits are not subject to execution or attachment by creditors. The Internal Revenue Service (IRS) has ruled that the benefit is not subject to federal income tax (IRS Ruling No. 77-235, IRS 1977-28) or to federal estate tax (IRS Ruling No. 79-397).

Attorneys' Fees

The PSOB Act authorizes BJA to establish the maximum fee that may be charged for services rendered to the claimant by another party in connection with any PSOB claim filed with BJA. Contracts for a stipulated fee and contingent fee arrangements are prohibited by PSOB regulations (28 C.F.R. 32.22(b)). BJA assumes no responsibility for payment of claimant attorney fees (28 C.F.R. 32.22(d)).

Public Safety Officers' Educational Assistance Program

The PSOB Program also includes the Public Safety Officers' Educational Assistance (PSOEA) Program, which provides an educational assistance allowance to eligible survivors of public safety officers whose deaths or permanent and total disabilities are the direct and proximate result of a traumatic injury sustained in the line of duty.

PSOEA benefits may be used solely to defray educational expenses, including tuition, room and board, books, supplies, and education-related fees. The amount of assistance is determined by whether the student attended school as a full-time, three-quarter-time, or half-time student. Also, the amount of assistance is subject to change consistent with the current computation of educational assistance allowance set forth in Title IV of the Higher Education Act, Section 3532 of Title 38, United States Code. Currently, the benefit for full-time students is \$485 a month, three-quarter-time, \$365, half-time, \$242, and less-than-half-time, \$121.

Filing a Claim

Eligible survivors or disability claimants resulting from the September 11 terrorist attack may file claims through the public safety agency, organization, or unit in which the public safety officer served.

BJA has followed the Attorney General's directive to exercise the full scope of our discretion under the governing statute and applicable regulations to facilitate prompt payment of these claims.

Contact Information

BJA staff has met with benefits coordinators for most of the departments affected by this tragedy, and we have pledged to work with them to provide the best possible support for the surviving families. BJA can best serve the families if they work through their departments benefits coordinators.

The BJA Public Safety Officers' Benefits Program staff, augmented by a special response team, are available to assist you.

Bureau of Justice Assistance

Public Safety Officers' Benefits Program
810 Seventh Street NW.
Washington, DC 20531
Toll Free: 1-888-SIGNL13 (744-6513)
202-307-0635
Fax: 202-616-0314

Department Benefits Coordinators:

Fire Department of New York

Christine Lee, Administrator
Medical Board
Fire Department of New York
9 Metro Tech Center, Room 2E-10
Brooklyn, NY 11201-3857
718-999-1951

Larry Curran, Coordinator
Public Safety Officers' Benefits
International Association of Fire Fighters
31 Westvale Street
Milton, MA 02186
617-288-2100

New York City Police Department

John P. Buettner, Principal Benefits Examiner
New York City Police Department
1 Police Plaza, Room 1102
New York, NY 10038-1497
212-374-1063 (w)
347-513-5090 (cell)

Joseph Maccone, Pension Consultant
Patrolmen's Benevolent Association
40 Fulton Street
New York, NY 10038-1850
Toll Free: 1-877-722-6789
212-233-5531

Port Authority Police Department

Officer Dante Castro-Recio
Port Authority Police Department
611 Palisade Avenue
Englewood Cliffs, NJ 07632-1805
201-871-2100

Bing Markee, Second Vice President
Port Authority Police Benevolent Association
611 Palisade Avenue
Englewood Cliffs, NJ 07632-1805
201-871-2100

New York State Supreme Court Police Department

Brigid Gambella, Benefits Administration
Office of Court Administration
New York State Courts
25 Beaver Street, Room 1053
New York, NY 10004
212-428-2548

James Carr, President
New York State Supreme Court Officers' Association
299 Broadway
New York, NY 10007
212-406-4292

For victim assistance information:

Office for Victims of Crime

Family Assistance Call Center

1-800-331-0075
1-800-833-6885 (TDD)
World Wide Web: www.responsecare.com

Federal Emergency Management Agency

1-800-462-9029
For case status information only:
1-800-525-0321

New York State Crime Victims Board

1-800-247-8035

Pentagon Family Assistance Center

1-800-487-3450
703-920-7212

Virginia Compensation Commission

1-800-552-4007
804-378-3434

Pennsylvania Victim Compensation Division

1-800-692-7292
717-783-5135

National organizations:

Concerns of Police Survivors

1-800-784-2677
E-mail: cops@nationalcops.org
World Wide Web: www.nationalcops.org

National Fallen Firefighters Foundation

301-447-1365
E-mail: firehero@erols.com
World Wide Web: www.firehero.org

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